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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/053,801
Filing Date: January 22, 2002
Appellant(s): CHANDRASHEKHAR ET AL.

Eamon J. Wall
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/15/2007 appealing from the Office action mailed 4/20/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. However, there is a typo in citing Forslow, the publication number of Forslow reference should be 2002/0069278 instead of 2005/0088977.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0095498	Chanda et al	6-2001
6,856,676	Pirot et al	10-1999
6,912,232	Duffield et al	10-1999
2002/0069278	Forslow	12-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2,4-20, 25-30,33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chanda et al (us 2002/0095498) (hereinafter Chanda) in view of Piro et al (us pat 6,856,676) (hereinafter Piro) and further in view of Duffield et al (us pat 6,912,232) (hereinafter Duff).

As regarding claim 1, Pancha discloses a plurality of internet protocol (IP) services aggregation switches for communicating between respective access networks and a core network, each of said IP services aggregation switches communicating with at least one respective VPN customer user (see Pancha pg.2-3, par 0025-0026, par 0029-0030; pg.8, par 0073, gateway communicate with client via improved IAD); wherein said IP services aggregation switches communicate with said at least one VPN customer user via at least one enhanced integrated access device (EIAD) (see Pancha pg.2, par 0025-0026; pg.8, par 0073, gateway communicate with client via improved IAD); a dynamic virtual private network (VPN) manager, for providing customer network management and policy server functions (see Pancha pg.2-3, par 0029-0030, service provider provide customer with various services, allowing client to increase to decrease their bandwidth purchase); said dynamic VPN manager adapting at least one of said IP services aggregation switches and at least one of said EIADs to provide a bidirectional QoS for at least one IP flow (see Pancha pg.6, par 0055, both inward and outward direction).

Pancha does not explicitly disclose VPN having at least one of a defined quality of service (QoS) parameter, a defined security parameter and a corresponding billing rate, at least one of said QoS parameter and said security parameter and a user interface enabling remote management of a VPN by a VPN customer user and user commands provided to said dynamic VPN manager by said VPN customer user.

Pirot teaches including a user interface enabling remote management of a VPN by a VPN customer user and user commands provided to said dynamic VPN manager by said VPN customer user (see Pirot col.1, lines 14-39; col.10, lines 14-39; col.11, lines 42-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Pirot to the system of Duff to remote manage the VPN by a VPN customer user because it would provide faster transport while minimizing delay, also allowing implement of various QoS levels in an effective and manageable way (see Pirot col.1, lines 36-45).

The combination of Pancha and Pirot does not teach VPN having at least one of a defined quality of service (QoS) parameter, a defined security parameter and a corresponding billing rate, at least one of said QoS parameter and said security parameter.

Duff discloses VPN having at least one of a defined quality of service (QoS) parameter, a defined security parameter and a corresponding billing rate, at least one of said QoS parameter and said security parameter (see Duff col.3, lines 4-51; col.4, lines 1-34, lines 64-67; col.5, lines 1-14, lines 48-61; col.10, lines 1-55; col.11, lines 22-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Duff to the system of Pancha-Pirot to include QoS parameter, a defined security parameter for the purpose of allowing the customer to have guarantee communication performance up to each customer profile and the customer of VPN are relieved of the burden to obtain detailed knowledge of the VPN (see Duff col.1, lines 55-63).

As regarding claim 2, Pancha-Pirot-Duff discloses said dynamic VPN manager adapts at least one of said IP services aggregation switches to provide at least one of a guaranteed QoS parameter and a guaranteed security parameter to said VPN (see Pancha pg.2-3, par 0029-0030; pg.8, par 0073).

As regarding claim 4, Pancha-Pirot-Duff discloses said dynamic VPN manager adapt at least one of said enhanced integrated access device (EIAD) to provide at least one of a guaranteed QoS parameter and a guaranteed security parameter to said VPN (see Pancha pg.2-3, par 0029-0030; pg.8, par 0073).

As regarding claim 5, Pancha-Pirot-Duff discloses wherein said QoS parameter comprises at least one of a bandwidth parameter, a jitter parameter and a delay parameter (see Pancha pg.2-3, par 0029-0030; pg.8, par 0073).

As regarding claim 6, Pancha-Pirot-Duff discloses security parameter comprises at least one of an encryption parameter, an authentication parameter and a filtering parameter (Pancha pg.2-3, par 0029-0030; pg.8, par 0073).

As regarding claim 7, Pancha-Pirot-Duff discloses VPN supports at least one of an interactive gaming application and a conferencing application (see Pirot col.1, lines 49-67; col.2, lines 1-38). The same motivation was utilized in claim 1 applied equally well to claim 7.

As regarding claim 8, Pancha-Pirot-Duff discloses said dynamic VPN manager is responsive to a user command to establish an application profile for a VPN, said application profile defining at least one of a QoS parameter, a security parameter and a corresponding billing rate for said VPN during at least one time period, said dynamic VPN manager adapting said at least one of a QoS parameter and a security parameter of said VPN according to said application profile (see Pirot col.5, lines 41-67; col.6, lines 46-67; col.7, lines 1-14; col.11, lines 42-67; col.14, lines 50-65; col.16, lines 36-48, manager provide interface for the customer to perform network management function such as configuring service parameter, SLA). The same motivation was utilized in claim 1 applied equally well to claim 8.

As regarding claim 9, Pancha-Pirot-Duff discloses wherein a command

received from a the VPN customer user comprises a user selection of one of a plurality of VPNs to join (see Pirot col.5, lines 41-67; col.6, lines 46-67; col.7, liens 1-14; col.11, lines 42-67; col.14, lines 50-65; col.16, lines 36-48, manager provide interface for the customer to perform network management function such as configuring service parameter, SLA). The same motivation was utilized in claim 1 applied equally well to claim 9.

As regarding claim 10, Pancha-Pirot-Duff discloses a command received from a the VPN customer user comprises a user selection of one of a plurality of applications based on VPNs to join (see Pirot col.10, lines 14-39; col.11, lines 42-67; col.14, lines 50-65; col.16, lines 36-48). The same motivation was utilized in claim 1 applied equally well to claim 10.

As regarding claim 11, Pancha-Pirot-Duff discloses plurality of VPNs have at least one of respective QoS requirements and security requirements, said QoS and security requirements having corresponding billing rates (see Duff col.3, lines 4-51; col.4, lines 1-34, lines 64-67; col.5, lines 1-14, lines 48-61; col.10, lines 1-55; col.11, lines 22-40). The same motivation was utilized in claim 1 applied equally well to claim 11.

As regarding claim 12, Pancha-Pirot-Duff discloses said plurality of applications have at least one of respective QoS requirements and security requirements, said QoS

and security requirements having corresponding billing rates (see Pancha pg.2-3, par 0029-0030; pg.8, par 0073).

As regarding claim 13, Pancha-Pirot-Duff discloses an enhanced application portal (EAP), for providing said user interface to said VPN customer user and receiving therefrom VPN administration commands adapted to configure said VPN (see Pirot col.10, lines 14-39; col.11, lines 42-67; col.14, lines 50-65; col.16, lines 36-48, provide an interface for the user to perform network management function such as configuring service parameter); a policy server, for communicating configuration parameters to network elements providing said VPN, said network configuration parameters determined according to VPN administration commands and profiles associated with said VPN administration commands (see Pirot col.6, lines 62-67 to col.7, lines 1-14; col.9, lines 50-67; col.8, lines 3-40; service management subsystem provide quality service policy to user base on SLA); and a directory server, for storing VPN topology and operational parameters and providing said VPN topology and operational parameters to said policy server and said EAP, said VPN topology and operational parameters adapted for being updated by said VPN customer user via said EAP (see Duff col.3, lines 4-51; col.4, lines 1-34, lines 64-67; col.5, lines 1-14, lines 48-61; col.10, lines 1-55; col.11, lines 22-40 storing customer profile specify qos parameter for VPN). The same motivation was utilized in claim 1 applied equally well to claim 13.

As regarding claim 14, Pancha-Pirot-Duff discloses at least one element management system (EMS) for managing a plurality of network elements forming said VPN (using EMS for managing network elements is a well known concept in the networking art).

As regarding claim 15, Pancha-Pirot-Duff discloses wherein said apparatus is included within an internet service provider (ISP) network including said access networks and said core network, said dynamic VPN manager being included within a data center of said ISP (see Pancha pg.2, par 0029-0030, service provider managing qos and sla for customer).

As regarding claim 16, Pancha-Pirot-Duff discloses VPN has associated with it a respective name said VPN customer user being able to perform at least one of a VPN create, VPN modify, VPN store and VPN delete, command using said VPN name (see Pirot col.10, lines 14-39; col.11, lines 42-67; col.14, lines 50-65; col.16, lines 36-48); said VPN modify command allows said VPN customer user to modify at least one of said VPN's topology, QoS parameter, and security parameter (see Pirot col.5, lines 41-67; col.6, lines 46-67; col.7, lines 1-14; col.11, lines 42-67; col.14, lines 50-65; col.16, lines 36-48). The same motivation was utilized in claim 1 applied equally well to claim 16.

As regarding claim 17, Pancha-Pirot-Duff discloses wherein said VPN is retrieved from storage, activated and deactivated using a corresponding VPN name (see Duff col.3, lines 4-51; col.4, lines 1-34, lines 64-67; col.5, lines 1-14, lines 48-61;

col.10, lines 1-55; col.11, lines 22-40). The same motivation was utilized in claim 1 applied equally well to claim 17.

As regarding claims 18-20, the limitations of claims 18-20 are similar to limitations of rejected claims 1-2,4-17 therefore rejected for the same rationales as claims 1-2,4-17.

As regarding claims 25-30,33-34 the limitations of claims 25-30,33-34 are similar to limitations of rejected claims 1-2,4-17 therefore rejected for the same rationales as claims 1-2,4-17.

As regarding claims 35-36, the limitations of claims 35-36 are similar to limitations of rejected claims 1-2,4-17 therefore rejected for the same rationales as claims 1-2,4-17.

Claims 21-24, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pancha , Duff and Pirot as applied to claims 18 and 25 above and further in view of Forslow (us 2002/0069278).

As regarding claims 21, Pancha-Pirot-Duff discloses all limitations of claims 18 above but did not expressly disclose dynamic VPN manager is included within a Universal Mobile Telecommunications Services (UMTS) packet transport network, said access networks comprising Gateway Generalized Packet Radio Service support nodes (GGSNs), said user accessing said UMTS packet transport network said dynamic VPN manager causing communications with said user communication device to be routed through a GGSN geographically proximate said user communications device.

Forslow teaches dynamic VPN manager is included within a Universal Mobile Telecommunications Services (UMTS) packet transport network, said access networks comprising Gateway Generalized Packet Radio Service support nodes (GGSNs), said user accessing said UMTS packet transport network said dynamic VPN manager causing communications with said user communication device to be routed through a GGSN geographically proximate said user communications device (pg.1, par 20-24).

It would have obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Forslow to the system of Pancha-Pirot-Duff because having the VPN manager included within UMTS would enable the mobile users to roam between access networks with little or no intervention (see Forslow pg.2, par 27).

As regarding claim 22, Pancha-Pirot-Duff-Forslow disclosed determination of geographic location is made during an authentication procedure (see Forslow pg.1, par

3-4, pg.2, par 27-30). The same motivation was utilized in claim 21 applied equally well to claim 22.

As regarding claim 23, Pancha-Pirot-Duff-Forslow disclosed apparatus is included within a CDMA-2000 packet transport network, said access networks comprising home agents, said user accessing said CDMA-2000 packet transport network with a communications device nominally assigned to a home agent (see Forslow pg.1 par 5-10, page 2, par 27-30); said dynamic VPN manager causing communications with said user communication device to be routed through a home agent geographically proximate said user communications device (see Forslow pg.1 par 5-10, page 2, par 27-30). The same motivation was utilized in claim 21 applied equally well to claim 23.

As regarding claim 24, the limitation is similar to claim 22, therefore rejected for the same rationale as claim 22.

As regarding claim 31, Pancha-Pirot-Duff-Forslow disclosed VPN supports at least one application having associated with it at least one of respective QoS requirements and security requirements, said QoS and security requirements having corresponding billing rates (see Duff col.3, lines 4-51; col.4, lines 1-34, lines 64-67; col.5, lines 1-14, lines 48-61; col.10, lines 1-55; col.11, lines 22-40).

As regarding claim 32, Pancha-Pirot-Duff-Forslow disclosed at least one of an interactive gaming application and a conferencing application (see Pirot col.5, lines 41-67; col.6, lines 46-67; col.7, lines 1-14; col.11, lines 42-67; col.14, lines 50-65; col.16, lines 36-48). The same motivation was utilized in claim 18 applied equally well to claim 32.

(10) Response to Argument

First, appellant argues on the 112 2nd rejections of claims 1-17.

In response to the 112 2nd arguments, the arguments are persuasive therefore the rejections under 35 U.S.C. § 112, 2nd paragraph of claims 1-17 are withdrawn.

Second, as regarding claims 1-2, 4-17, 18-20, 25-30, 33-34, 35-36, 21-24, 31-32 appellant argues that Chanda does not teach, “ VPN manager adapting at least one of said IP services aggregation switches and at least one of said EIAD to provide a bidirectional QoS for at least one IP flow”.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Chanda discloses a service provide (service provider corresponds to the VPN manger) using gateway device (gateway device corresponds to the switch) and the IAD (IAD corresponds to EIAD) to provide clients with numerous service features (see Chanda pg.2, para 0029). According to the applicant's disclosure page 10, lines 9-20, the EIAD acts as an intermediary between the ISP and the clients, EIAD also acts as a converter. Chanda discloses AID act as an intermediary between the ISP and the clients and act as a converter (see Chanda pg.3, par 0033), therefore the IAD of Chanda corresponds to the claimed EIAD.

T The limitation "to provide a bidirectional QoS..." is merely an intended result of the above limitations therefor, it is not given weight (see MPEP 2111.04). Even if the examiner were to give weight to the above limitation, the prior art Chanda still has support for the limitation. Chanda discloses the class of policy (corresponds to QoS) between the clients and the service provider (see Chanda pg.5, para 0047), and the traffic shaper being utilized to control the traffic in both directions (bidirectional) inward and outward between the client and the service provider according to the class of policy (see Chanda pg.6, para 0055). Thus, Chanda does meet the limitation "VPN manager adapting at least one of said IP services aggregation switches and at least one of said EIAD to provide a bidirectional QoS for at least one IP flow" and the rejections should be affirmed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

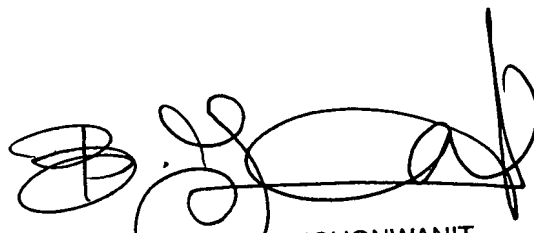
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Duyen Doan

Conferees:

/Lynne H Browne/
Lynne H Browne
Appeal Practice Specialist, TQAS
Technology Center 2100


BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER
12/3/7
